

REMARKS

This responds to the Office Action dated on March 18, 2005. Claims 1, 20 and 28 are amended. No claims are cancelled or added. As a result, claims 1-47 are now pending in this application.

§102 Rejection of the Claims

Claims 1-6, 8, 10, 12, 14-19, 28-39, 42 and 44-47 were rejected under 35 U.S.C. § 102(e) for anticipation by Thompson et al. (U.S. Patent No. 6,675,049, "Thompson"). As an initial note, Applicant reserves the right to swear behind Thompson or any other § 102(e) reference, as provided under 37 C.F.R. § 1.131. Nonetheless, Applicant respectfully traverses because, for the reasons discussed below, the cited reference fails to teach every element of the present claims, as required by *M.P.E.P.* §2131.

Applicant cannot find in the cited portions of Thompson, among other things, any indication that its transponder 498 (see FIG. 8) is wired to the IMD for receiving data from the IMD and then wirelessly transmitting the data to an external device, as presently recited or incorporated in these claims. Accordingly, Applicant respectfully requests withdrawal of this basis of rejection of these claims.

§103 Rejection of the Claims

Claims 7, 9, 11, 13, 40, 41 and 43 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Thompson et al. (U.S. Patent No. 6,675,049). As an initial note, Applicant reserves the right to swear behind Thompson or any other § 102(e) reference, as provided under 37 C.F.R. § 1.131. Nonetheless, Applicant respectfully traverses because, for the reasons discussed below, no *prima facie* obviousness presently exists because all claim elements are not taught or suggested from the cited references, as required by *M.P.E.P.* § 2143.03. Claims in dependent form shall be construed to include all the limitations of the claim incorporated by reference into the dependent claim. 37 C.F.R. § 1.75.

Claims 7, 9, 11, and 13 ultimately depend on base claim 1. Claims 40, 41, and 43 depend on base claim 37. Applicant believes these dependent claims because, as discussed above, Thompson apparently fails to teach or suggest all elements incorporated from their base claims,

namely claims 1 and 37. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection of these claims.

Allowable Subject Matter

Claims 20-27 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Accordingly, Claim 20 was amended to a form indicated to be allowable by the Examiner. Therefore, Applicant respectfully requests allowance of claims 20-27.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6951 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

WILLIAM R. MASS ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

P.O. Box 2938

Minneapolis, MN 55402

(612) 373-6951

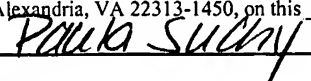
Date Aug. 17, 2005

By 

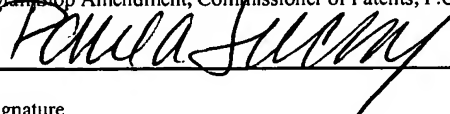
Suneel Arora

Reg. No. 42,267

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 17 day of August, 2005.



Name



Signature